

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KAYRAN MOHAMMAD OSKUIE,

Petitioner,

v.

EOP,

Respondent.

No. 2:22-cv-1107 CKD P

ORDER AND

FINDINGS AND RECOMMENDATIONS

On June 30, 2022, petitioner was ordered to file a request to proceed in forma pauperis or pay the appropriate filing fee within thirty days. Petitioner was warned that failure to do so would result in a recommendation that this action be dismissed. The thirty-day period has now expired, and petitioner has not responded to the court's June 20, 2022 order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court assign a district court judge to this case; and

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, petitioner may file written objections with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." In his objections petitioner may address whether a

1 certificate of appealability should issue in the event he files an appeal of the judgment in this
2 case. See Rule 11, Federal Rules Governing Section 2254 Cases (the district court must issue or
3 deny a certificate of appealability when it enters a final order adverse to the applicant). Where, as
4 here, a habeas petition is dismissed on procedural grounds, a certificate of appealability “should
5 issue if the prisoner can show: (1) ‘that jurists of reason would find it debatable whether the
6 district court was correct in its procedural ruling;’ and (2) ‘that jurists of reason would find it
7 debatable whether the petition states a valid claim of the denial of a constitutional right.’” Morris
8 v. Woodford, 229 F.3d 775, 780 (9th Cir. 2000) (quoting Slack v. McDaniel, 529 U.S. 473, 484
9 (2000)). Petitioner is advised that failure to file objections within the specified time may waive
10 the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 Dated: August 10, 2022



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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